

**THIRD DAY**

(Monday, January 16, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Willis
Lane	

**Absent—Excused**

Dies	Martin
Hudson	Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 12, 1961, was dispensed with and the Journal was approved.

**Leaves of Absences**

Senator Dies was granted leave of absence for today on account of a death in the family on motion of Senator Smith.

Senator Martin was granted leave of absence for today on account of important business on motion of Senator Roberts.

Senator Hudson was granted leave of absence for today on account of important business on motion of Senator Roberts.

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Aikin.

**Senate Concurrent Resolution 4**

Senator Moffett offered the following resolution:

S. C. R. No. 4, Designating March 6-10, 1961, as Public Schools Week in Texas.

Whereas, For the ten-year period 1951-1961, inclusive, one week each year has been set aside and observed as Public Schools Week in Texas, and said week has been officially designated as such by the Legislature, and so proclaimed by the Governor; and

Whereas, This designation of Public Schools Week has provided an opportunity for the citizens of Texas to attend our public schools and observe the educational procedures being followed, in keeping with free democratic processes, as well as an opportunity to gain a proper appreciation and understanding of the duties, obligations and rights of American citizenship; and

Whereas, It is the duty of every citizen to cooperate with his respective school board members and teachers in a constant effort to improve our public schools; and

Whereas, The Texas Legislature desires to express its belief that a sound progressive system of education requires and must have the active interest and participation of all of our people and that public understanding is a matter of necessity if we are to keep control of our public schools at a local level; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that the week of March 6 through March 10, 1961, be designated as the Eleventh Annual Texas Public Schools Week, and that all Texans be urged to visit a public school during this period in order to acquaint themselves with the physical plants and the systems used, and the accomplishments that the public schools have made in our State.

MOFFETT  
AIKIN  
COLSON  
SECREST

The resolution was read.

On motion of Senator Moffett and by unanimous consent the resolution was considered immediately and was adopted.

**Senate Resolution 10**

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the 3rd Grade Class of Wooten Elementary School in Austin, Texas, accompanied by their teachers, Mrs. Kenneth Builta and Mrs. Frank Herzog; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and teachers to the Members of the Senate.

#### Senate Resolution 11

Senator Colson offered the following resolution:

Whereas, In these days of international peril and domestic economic stress, daily reassurance of the consolation of divine providence is not only a light to follow, but a spiritual support; and

Whereas, A permanent record of the daily prayers of the Chaplain of the Senate should be made so that they may be readily available when their words of inspiration, hope and courage may be needed; now, therefore, be it

Resolved, By the Senate of the 57th Legislature of Texas that all of the prayers offered by the Chaplain of the Senate be printed in the daily Journal.

The resolution was read and was adopted.

#### Senate Concurrent Resolution 5

Senator Hardeman offered the following resolution:

S. C. R. No. 5, Providing Joint Session to hear address of Governor Price Daniel on Wednesday, January 18, 1961.

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that the Senate and the House meet in joint session in the House of Representatives at 10:15 a.m., January 18, 1961, and be it further

Resolved, That His Excellency, Price Daniel, Governor of the State of Texas, be and he is hereby invited to address the Regular Session of the 57th Legislature in joint session at that time.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the resolution was considered immediately and was adopted.

#### Senate Resolution 13

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Government Class from Del Valle School in Travis County, accompanied by their teachers, Mr. Groogan and Mr. Oliver; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this Resolution, bearing the official seal of the Senate, be sent to their class in appreciation of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and teachers to the Members of the Senate.

#### Resolutions Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled resolutions:

S. C. R. No. 1, Providing for the canvass of votes for Governor and

Lt. Governor and providing for committees to arrange for the inauguration of the Governor-elect and Lt. Governor-elect.

S. C. R. No. 3, In Memory of Fred Farrell Florence.

#### House Bill 1 on Second Reading

Senator Aikin moved that Section 5 of Article III of the Constitution of the State of Texas and Senate Rules 13, 32, 38 and 116 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 1 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—27

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Willis
Lane	

#### Absent—Excused

Dies	Martin
Hudson	Weinert

The President then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 1, A Bill to be entitled an Act fixing the salaries, per diem and mileage of Members of the Legislature, pursuant to the provisions of Section 24 of Article III of the Constitution of Texas; creating a Legislative Expense Fund; providing for the expenses of the Fifty-seventh Legislature and making other provisions relating thereto; transferring unobligated balances in the Legislative Expense Fund created by the provisions of House Bill No. 1, Acts of the Fifty-sixth Legislature, Regular

Session, 1959, Chapter 1, page 1; etc.; and declaring an emergency.

The bill was read the second time.

Senator Willis offered the following amendment to the bill:

Amend H. B. No. 1 by deleting the words and figures "Four Thousand, Eight Hundred Dollars (\$4,800)" wherever they occur in said bill and inserting in lieu thereof the words and figures "Three Thousand, Six Hundred Dollars (\$3,600)."

The amendment was read.

On motion of Senator Aikin the amendment was tabled.

The bill was then passed to third reading.

#### House Bill 1 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid H. B. No. 1 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

#### Yeas—26

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Lane	Willis

#### Nays—1

Krueger

#### Absent—Excused

Dies	Martin
Hudson	Weinert

#### Communication from Texas Education Agency

The following message received from the Texas Education Agency was read and was referred to the Committee on Nominations:

January 10, 1961.

Honorable Ben Ramsey  
Lieutenant Governor of Texas  
Senate Chamber  
Capitol  
Austin, Texas

Dear Governor Ramsey:

At its meeting on January 9, 1961, the State Board of Education unanimously reappointed Dr. J. W. Edgar as State Commissioner of Education for a four-year term beginning June 1, 1961, and ending May 31, 1965.

I am pleased to submit Dr. Edgar's reappointment as State Commissioner of Education to the Senate for confirmation.

Sincerely yours,  
/s/W. W. Jackson  
Chairman  
State Board of Education

#### Senate Resolution 14

Senator Owen offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate, Mr. and Mrs. Dennis S. Wagner of El Paso; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; Now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Owen by unanimous consent presented Mr. and Mrs. Wagner to the Members of the Senate.

#### Senate Resolution 15

Senator Ratliff offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. Homer Raney of Hamlin, Jones County; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

#### Record of Vote

Senator Hazlewood asked unanimous consent to be recorded as voting "Yea" on the final passage of H. B. No. 1.

There was no objection offered.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
January 16, 1961.

Hon. Ben Ramsey, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 3, Providing a joint session at 10:45 a.m., Monday, Jan. 16, 1961.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### House Concurrent Resolution 3 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 3, Providing a Joint Session at 10:45 a.m. Monday, January 16, 1961 to canvass votes for the Governor and Lieutenant Governor.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

#### Joint Session

(To Canvass Votes for Governor and Lieutenant Governor)

The President announced that the hour for the Joint Session of the two Houses to count the votes for Governor and Lieutenant Governor pursuant to the provisions of S. C. R. No. 1 and H. C. R. No. 3 had arrived.

Accordingly, the Senators present accompanied by the Secretary of the Senate and the Sergeant-at-Arms, repaired to the Hall of the House of Representatives at 11:04 o'clock a.m.

The Senators were announced at

the Bar of the House and were admitted and escorted to seats already prepared for them along the aisle.

The President Pro Tempore by invitation of the Speaker of the House, occupied a seat on the Speaker's stand.

The President Pro Tempore called the Senate to order and announced a quorum of the Senate present.

The Speaker of the House announced the purpose of the Joint Session.

A quorum of the House was announced present.

Speaker Turman then requested the tellers appointed pursuant to the provisions of S. C. R. No. 1 to come forward and receive the returns of votes cast for Governor and Lieutenant Governor at the General Election, which returns had been duly delivered by The Secretary of State to the Speaker of the House of Representatives.

Senators Kazen, Creighton, Reagan and Crump, on the part of the Senate, and Representatives Hinson, Ye-zak, Hughes of Grayson, Rosas and Johnson of Bexar, on the part of the House, then received the returns and proceeded to count the votes cast for Governor and Lieutenant Governor at the last General Election.

#### At Ease

At 11:07 o'clock a.m. the Speaker announced that the Joint Session would stand At Ease pending the counting of the votes.

(Senator Owen in the Chair.)

#### In Legislative Session

The Speaker of the House called the Joint Session to order at 1:20 o'clock p.m.

(President Pro Tempore in the Chair.)

When the count was completed, the tellers presented the following report, which was read to the Joint Session:

Austin, Texas,  
January 16, 1961.

Honorable Ray Roberts, President Pro Tempore of the Senate.

Honorable James A. Turman, Speaker of the House of Representatives.

Sirs: We, the Joint Committee of Tellers appointed by the presiding officers of the Senate and House of Representatives to canvass the votes cast at the last general election held in the State of Texas on November 8, 1960, for Governor and Lieutenant Governor of the State of Texas as shown by returns delivered to us by the Secretary of State, beg leave to report that we have performed that duty and that the result of our canvass is as follows:

There were votes cast for Governor as follows:

Price Daniel, Democratic Party	1,637,755
William M. Steger, Republican Party	612,963
Others	154
There were votes cast for Lieutenant-Governor as follows:	
Ben Ramsey, Democratic Party	1,615,506
Gilbert N. Harrison, Republican Party	573,585
Philip Lee Eubank, Constitution Party	20,439
Others	22

Respectfully submitted,

KAZEN  
REAGAN  
CREIGHTON  
CRUMP  
For the Senate.  
HINSON  
HUGHES of  
Grayson  
JOHNSON of  
Bexar  
ROSAS  
YEZAK  
For the House.

Whereupon the Speaker of the House made the following announcement:

Honorable Price Daniel, having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and the laws of the State of Texas, declare him duly, legally and constitutionally elected Governor of the State of Texas for the ensuing term of two years; and Honorable Ben Ramsey, having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and the laws of the State of Texas, declare him duly, legally and constitutionally elected Lieutenant

Governor of the State of Texas for the ensuing term of two years.

The President Pro Tempore announced the business of the Joint Session concluded and requested the Senate to retire to its Chamber.

**In Legislative Session**

The President Pro Tempore called the Senate to order as in Legislative Session at 1:26 o'clock p.m. today.

**Bill Signed**

The President Pro Tempore announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill:

H. B. No. 1, Fixing the salaries, per diem and mileage of Members of the

Legislature, pursuant to the provisions of Section 24 of Article III of the Constitution of Texas; creating a Legislative Expense Fund; providing for the expenses of the Fifty-seventh Legislature and making other provisions relating thereto; transferring unobligated balances in the Legislative Expense Fund created by the provisions of House Bill No. 1, Acts of the Fifty-sixth Legislature, Regular Session, 1959, Chapter 1, page 1; etc.; and declaring an emergency.

Subject to provisions of Section 49A of Article III of the Constitution of the State of Texas.

**Recess**

On motion of Senator Kazen the Senate at 1:30 o'clock p.m. took recess until 11:00 o'clock a.m. tomorrow.

**In Memory of**  
**Mr. Virgil T. Seaberry**

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Senator Creighton offered the following resolution:

(Senate Resolution 12)

Whereas, God in His infinite wisdom, called from these earthly labors Mr. Virgil T. Seaberry of Eastland, Eastland County, Texas, November 16, 1960; and

Whereas, Mr. Seaberry was born in the community of Poolville in Parker County, Texas, but resided for the most part of his life in Eastland, Eastland County, Texas, where he made his most valuable contribution to his community, state, and nation; and

Whereas, After his graduation from The University of Texas School of Law in 1915, he entered in the practice of law at Paint Rock, Texas; and

Whereas, He entered the service of his country in 1917, and held the rank of First Lieutenant in Army Artillery, and in 1920 returned to the practice of law with his late partner, John Turner, at Eastland; and

Whereas, This well-known attorney and West Texan has distinguished himself in his profession and has long been identified with State Bar activities, having served as President of the State Bar of Texas in 1957-1958, Vice President in 1956-1957, Chairman of the Board of Directors in 1954-1955, Chairman of the State Bar Rules Committee in 1955-1958, and was State Bar delegate to the Federal Judicial Conference for the Fifth Circuit in 1956-1959; and

Whereas, Mr. Seaberry was an active civic worker, a former mayor of the town of Eastland, and an active member and teacher of the First Methodist Church of Eastland; and

Whereas, Virgil T. Seaberry was an able organizer, an effective speaker, and an attorney of outstanding ability, a man who will long be remembered for his friendliness and cheerful manner, as well as for his devotion to his church, family, and profession; now, therefore, be it

Resolved, by the Senate of Texas, That when the Senate adjourns today it do so in honor and respect to the memory of this distinguished citizen and that a page in the Senate Journal be set aside in his memory and that a copy of this resolution be sent to his surviving children, Mrs. Cyrus B. Frost Jr. and Virgil T. Seaberry Jr., both of Eastland, Texas; two sisters, Mrs. Effie Wilkins of Weatherford, Texas, and Mrs. Hubert Toombs of Eastland, Texas; and four brothers, Lloyd and Emmett Seaberry of Poolville, Texas, and Warren and Dean O. Seaberry of Weatherford, Texas.

**CREIGHTON**

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Calhoun, Colson, Crump, Dies, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Patman, Ratliff, Reagan, Roberts, Rogers, Schwartz, Secrest, Smith, Weinert, Willis.

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.